

## Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 10-11, 2003

Reference No.: 2.1c.(4)

Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Ross Chittenden  
Acting Program Manager  
Traffic Congestion Relief Program

Ref: **TRAFFIC CONGESTION RELIEF (TCR) PROGRAM LETTER OF NO PREJUDICE  
APPROVALS, RESOLUTION TL-03-03**

### **BACKGROUND:**

Government Code Section 14556.33, established by Chapter 908 (AB1335) of the Statutes of 2001, allows an applicant agency, that is either a regional or local entity, to seek approval of an AB 1335 Letter of No Prejudice (Letter). If approved by the California Transportation Commission (Commission), the Letter allows the applicant agency to expend its own funds for any component of the transportation project, and seek allocation and reimbursement from the Traffic Congestion Relief Fund in future years. On August 14, 2003, the Commission approved Resolution G-03-12 adopting the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program (Guidelines).

As of October 30, 2003, the Commission has approved a total of \$269,158,000 for ten Letter requests. The following table summarizes this information as well as those Letters anticipating approval. The amounts are shown in the fiscal year of completion for phases of work with an approved or requested Letter:

	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Previously Approved Amounts	\$6,208,000	\$112,950,000		\$150,000,000		
Current Proposed Amounts		\$2,726,000			\$182,900,000	
Totals to Date	\$6,208,000	\$115,676,000		\$150,000,000	\$182,900,000	

### **RECOMMENDATION:**

The California Department of Transportation (Department) recommends that the Commission approve Resolution TL-03-03 for two Letter requests totaling \$185,626,000. The Letter requests conform to the Guidelines adopted by the Commission.

- Project #36 – \$182,900,000 for Phase 4, for Los Angeles Eastside Transit Extension; build new light rail line in East Los Angeles, from Union Station to Atlantic via 1<sup>st</sup> Street to Lorena in Los Angeles County.  
Applicant Agency: Los Angeles County Metropolitan Transportation Authority  
Alternate fund source: Local Prop A, Prop C, Lease & General Revenues, CMAQ, 5309 Fixed Guideway  
(Related item under 2.1c.(2))
- Project #44 – \$2,726,000 for Phase 4, Route 47 (Terminal Island Freeway); construct interchange at Ocean Boulevard Overpass in the City of Long Beach in Los Angeles County.  
Applicant Agency: Port of Long Beach  
Alternate fund source: Port funds  
(Related item under 2.1c.(2))

Attachment

**CALIFORNIA TRANSPORTATION COMMISSION**  
**Approval of Traffic Congestion Relief Program**  
**Letters of No Prejudice**

**RESOLUTION TL-03-03**

- 1.1 WHEREAS the Traffic Congestion Relief Act of 2000 (herein after referred to as “statute”), which was established by Chapters 91 (AB 2928) and 656 (SB 1662) of the Statutes of 2000, establishes the Traffic Congestion Relief Program, providing \$5.39 billion for projects throughout the State of California to reduce traffic congestion, provide for safe and efficient movement of goods, and provide system connectivity; and
- 1.2 WHEREAS in accordance with Government Code Section 14556.11 the California Transportation Commission (Commission) has adopted guidelines, in consultation with the Department of Transportation (Department) and regional agencies, to implement the Traffic Congestion Relief Program (TCRP); and
- 1.3 WHEREAS Government Code Section 14556.33, established by Chapter 908 (AB1335) of the Statutes of 2001 allows the California Transportation Commission (Commission) to establish guidelines regarding AB 1335 Letter of No Prejudice (Letter) approval for lead applicant agencies allowing the regional or local entity to expend its own funds for any component of said agency’s Traffic Congestion Relief Program (TCRP) project; and
- 1.4 WHEREAS on August 14, 2003, the Commission adopted the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program (Guidelines), allowing applicant agencies to seek alternate sources of funding under Resolution G-03-12; and
- 1.5 WHEREAS within the Letter request, the applicant agencies identify the alternate local funds that will be substituted for TCRP funds and provide a demonstration that the stated alternate funds are available; and
- 1.6 WHEREAS those Letter requests for construction or procurement phase of a project that expands or extends transit service (rail, bus, or ferry), are accompanied by demonstration by applicant agency of financial capability to operate the expanded service once the project has been completed; and
- 1.7 WHEREAS those Letter requests for capital phases (right of way and/or construction) are accompanied by documentation of Commission review of the Final Environmental Document, as appropriate, and approval for consideration of future funding; and
- 1.8 WHEREAS the Commission, with assistance from the Department, has reviewed submitted TCRP project Letter requests, and subsequent clarifications and revisions, and determined they comply with the statute and guidelines.
- 2.1 NOW THEREFORE BE IT RESOLVED the Commission does hereby approve the following two Traffic Congestion Relief Program Letter requests totaling \$185,626,000 as submitted, with subsequent clarifications and revisions:
  - Project #36 – \$182,900,000 for Phase 4, for Los Angeles Eastside Transit Extension; build new light rail line in East Los Angeles, from Union Station to Atlantic via 1<sup>st</sup> Street to Lorena in Los Angeles County.  
Applicant Agency: Los Angeles County Metropolitan Transportation Authority  
Alternate fund source: Local Prop A, Prop C, Lease & General Revenues, CMAQ, 5309 Fixed Guideway

- Project #44 – \$2,726,000 for Phase 4, Route 47 (Terminal Island Freeway); construct interchange at Ocean Boulevard Overpass in the City of Long Beach in Los Angeles County.  
Applicant Agency: Port of Long Beach  
Alternate fund source: Port funds;  
and
- 2.2 BE IT FURTHER RESOLVED that in approving an AB 1335 Letter of No Prejudice (Letter) in conjunction with a previously approved STIP AB 3090 amendment 02S-52, for TCRP Project #36 – Los Angeles Eastside Transit Extension, that prior to an allocation of funds the LACMTA must submit an application amendment to:
- Adjust approved Letter funds to reduce the approved amount proportionate to STIP funding to be allocated; or
  - Adjust approved AB3090 STIP funds to reduce the approved amount proportionate to TCR funding to be allocated;
- and
- 2.3 BE IT FURTHER RESOLVED that all conditions stipulated at time of application and/or application amendment approval are still in effect; and
- 2.4 BE IT FURTHER RESOLVED that agencies proceed at their own risk and that reimbursement is dependent on availability of TCR funding; and
- 2.5 BE IT FURTHER RESOLVED that within 6 months following this date, the agency shall report to the Department on progress in executing agreements and third-party contracts needed to execute the work on the phase(s) covered by the approved Letter; and
- 2.6 BE IT FURTHER RESOLVED that all applicant agencies shall provide the Commission and the Department with a progress report on April 1<sup>st</sup> and October 1<sup>st</sup> of each year on actual expenditures and status of work, until the projects have been completed; and
- 2.7 BE IT FURTHER RESOLVED that upon completion of the phase(s) of a Letter approved by the Commission, the lead applicant agency may request to have its Letter liquidated with an allocation by the Commission, or at the Commission's direction by the Department, and
- 2.8 BE IT FURTHER RESOLVED that reimbursement of eligible costs is subject to the policies, restrictions and assurances as set forth in the Commission's policy for allocating, monitoring, and auditing TCR projects, and is governed by the terms and conditions of the Fund Transfer Agreement, Program Supplement or Cooperative Agreement, and subsequent amendments to the same if required, as executed between the Implementing Agency and the Department; and
- 2.9 BE IT FURTHER RESOLVED that it is the responsibility of the lead applicant agency to disperse funds to all contributors of the alternate local funds.